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January 24, 2020

BY ECF FILING AND EMAIL

Honorable Michael E. Wiles
United States Bankruptcy Judge
United States Bankruptcy Court for the
Southern District of New York
One Bowling Green
New York, NY 10004-1408

Re: *Blue Dog at 399, Inc. v. Seyfarth Shaw, LLP et al.*
Adv. No. 19-1029 (MEW)

Dear Judge Wiles:

This firm represents Plaintiff Blue Dog at 399, Inc. in the above-captioned adversary proceeding.

By letter to you filed on January 21, 2020, Joel Haims, counsel for Defendants, wrote to request a discovery conference to extend the discovery deadlines in this case. Plaintiff agrees that the current deadlines should be extended for additional reasons independent of those described in Mr. Haims' letter.

Giving just two examples, Plaintiff has requested the deposition of Adrian Zuckerman, the partner at Seyfarth who oversaw the firm's work for Blue Dog. We have been attempting to schedule Mr. Zuckerman's deposition since March 2019, recognizing that his nomination to serve as the United States Ambassador to Romania could create scheduling challenges. Defendants have now advised that Mr. Zuckerman will not be available for his deposition until the week of March 16, 2020, which is well after the current close of fact discovery. We have no objection to the proposed timing, but recognize that it will be necessary to extend the current deadlines to accommodate his availability and allow adequate time for our expert to review his testimony.

On a similar note, Defendants served a Subpoena and Notice of Deposition *Duces Tecum* to BP 399 Park Avenue LLC, the defendant in the underlying lawsuit. All parties

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agree that this deposition is necessary to complete discovery in the current lawsuit. Although counsel for BP 399 Park Avenue originally committed to producing documents by December 3, 2019, and later requested an extension to January 8, 2020, they have not yet produced any documents. Further, counsel advised that BP 399 Park Avenue would be unable to produce its witness for deposition until February 11, 2020, which is after fact discovery is currently scheduled to close. This schedule likewise warrants and necessitates an extension of the current discovery deadlines. (Indeed, prior to the start of Defendant Ralph Berman's deposition, Mr. Haims advised that he believed the timing of the BP 399 Park Avenue production necessitated an extension.)

Given that all parties agree that it is necessary to extend the current deadlines, I propose that the parties meet and confer and submit a proposed amended discovery schedule for the Court's consideration. I will contact defense counsel today for that purpose.

Thank you for your time and attention to this matter.

Very truly yours,



Scott Michael Hare

/SMH

cc: All counsel of record (*by email and ecf notice*)